

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 11
)	
GOLF DIAGNOSTIC IMAGING CENTER, L.P.)	Case No. 08-12908
)	
Debtor.)	Hon. Susan Pierson Sonderby
_____)	

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on **March 30, 2010 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, we will appear before United States Chief Bankruptcy Judge Susan Pierson Sonderby, or any other judge sitting in her stead, in Courtroom 642 of the Dirksen Federal Building, 219 S. Dearborn St., Chicago, Illinois, and then and there present the attached **FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR ARNSTEIN & LEHR LLP – SPECIAL COUNSEL TO THE DEBTOR**, at which time and place you may appear as you see fit.

GOLF DIAGNOSTIC IMAGING CENTER,
L.P.

By: /s/ Miriam R. Stein
One of Its Attorneys

Barry A. Chatz (ARDC #06196639)
Miriam R. Stein (ARDC#06238163)
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CERTIFICATE OF SERVICE

I, Miriam R. Stein, an attorney, certify that I caused a copy of the attached Notice and Fee Application to be served on the parties in interest of Golf Diagnostic Imaging Center, L.P. to those parties receiving notification by participation in the Court's ECF system on March 11, 2010.

/s/ Miriam R. Stein

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notices for this case.

- Thomas V Askounis taskounis@askounisdarcy.com, jburt@askounisdarcy.com
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
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In re:)	Chapter 11
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GOLF DIAGNOSTIC IMAGING)	Case No. 08 B 12908
CENTER, L.P.,)	
)	
Debtor.)	Hon. Susan Pierson Sonderby

**FINAL APPLICATION FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES FOR
ARNSTEIN & LEHR LLP – SPECIAL COUNSEL TO THE DEBTOR**

Barry A. Chatz, Miriam R. Stein and Arnstein & Lehr LLP (collectively "A&L") special counsel for Golf Diagnostic Imaging Center, L.P., Debtor and debtor in possession (the "Debtor"), respectfully submit this Final Application for Allowance of Compensation and Reimbursement of Expenses (the "Application") in the amount of \$47,879.75 in fees and \$751.75 in expenses relating to legal services rendered on behalf of the Debtor during the period from May 20, 2008 through March 10, 2010, pursuant to Section 330 of the United States Bankruptcy Code (the "Code"). In support of this Application, A&L states as follows:

I. Background of Case

1. On May 20, 2008 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. Pursuant to sections 1107(a) and 1108 of the Bankruptcy Code, the Debtor continues to manage its assets and operate as a debtor-in-possession.
3. No trustee, examiner or committee has been appointed in this case.
4. On or about June 11, 2008, this Court entered an Order Authorizing Employment of Gregory K. Stern, Monica O'Brien and James E. Hausler as its

bankruptcy counsel, with all compensation and reimbursement of expenses subject to further order of this Court.

5. On June 25, 2008 this Court entered an Order Authorizing the Debtor to retain and employ Norman P. Jeddelloh, Thomas P. Conley and the law firm of Arnstein & Lehr LLP as special counsel to the Debtor, retroactive to May 20, 2008.

6. Pursuant to the retention Order, A&L was to be compensated in accordance with the procedures set forth in Sections 328, 330 and 331 of the Bankruptcy Code, the applicable Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and such other procedures as may be fixed by order of this Court.

7. The Debtor engaged A&L as its special litigation counsel for the purpose of representing and advising the Debtor in the litigation entitled *People ex rel Donaldson v. Midi LLC, et al.*, pending in the Circuit Court of Cook County, as Case No. 06 CH 2513 ("State Court Litigation").

8. On December 19, 2008, A&L filed its first interim application requesting \$22,417.25 in fees and \$171.80 in expenses for work performed from May 20, 2008 through November 30, 2008. On January 16, 2009, the Court granted the first interim application allowing \$22,356.30 for fees and expenses to A&L. A copy of the First Interim Application and Order relating thereto is attached hereto as Exhibit A-1 and A-2.

9. On June 25, 2009, A&L filed its second interim application requesting \$16,207.50 in fees and \$311.11 in expenses for work performed from December 1, 2008 through May 31, 2009. On August 5, 2009, the Court granted the second interim application allowing \$16,518.61 for fees and expenses to A&L. A copy of the Second Interim Application and Order relating thereto is attached hereto as Exhibit B-1 and B-2.

10. The Debtor has paid A&L all of its fees and expenses allowed under the first and second interim fee applications.

II. A&L Fee and Expense Request

11. Since June 1, 2009, A&L expended 137 hours of professional services as is more fully set forth in the invoices attached hereto as Exhibits C-1 through C-4, and discussed further below.

12. A&L has rendered actual and necessary legal services to the Trustee which include representing and advising the Debtor on all health care matters, and representing the Debtor in the State Court Litigation. A&L assisted the Debtor in successfully negotiating a settlement of the State Court Litigation.

13. The legal services provided by A&L as special counsel have all been entered under the categories entitled 'People of the State of IL, ex rel Donaldson v. MIDI,' 'Bankruptcy,' and 'Fee Application.'

14. The time expended since May 20, 2008, can be summarized as follows:

SERVICE CATEGORY	HOURS	% OF TOTAL TIME
State Court Litigation	42.60	31%
Bankruptcy Matters	9.1	6%
Fee Petitions	16.3	12%
Bankruptcy Litigation	69.05	51%
TOTALS:	137.05	100%

15. The total amount of services expended since May 20, 2008, can be summarized as follows:

TITLE OF CATEGORY	AMOUNT SOUGHT
State Court Litigation	\$17,947.50
Bankruptcy	\$3,117.50
Fee Application	\$4,320.00
Bankruptcy Litigation	\$22,494.75
TOTAL FEES	\$47,879.75
Expenses	\$751.75

16. The expenses expended since May 20, 2008 totals: \$751.55.

17. The additional services rendered since June 1, 2009 through March 10, 2010 (which is included in the data listed in Paragraph 14 above), is summarized as follows:

a. State Court Litigation (Exhibit C-1)

<u>ATTORNEY/Professional</u>	<u>Specialty</u>	<u>Hours</u>	<u>Hourly Rate</u>
Norman P. Jeddeloh ("NPJ")	Litigation	12.90	\$425

b. Bankruptcy Matters (Exhibit C-2)

<u>ATTORNEY/Professional</u>	<u>Specialty</u>	<u>Hours</u>	<u>Hourly Rate</u>
Miriam R. Stein ("MRS")	Bankruptcy	2.50	\$350

c. Fee Applications (Exhibit C-3)

<u>ATTORNEY/Professional</u>	<u>Specialty</u>	<u>Hours</u>	<u>Hourly Rate</u>
Miriam R. Stein ("MRS")	Bankruptcy	2.50	\$350
Barry A. Chatz ("BAC")	Bankruptcy	.20	\$425
John C. Fuller ("JCF")	Paralegal	8.50	\$225

The hourly rates listed above are customary and reasonable and are the same hourly rates charged to A&L's non-bankruptcy clients for various other matters.

18. The fees sought by A&L from June 1, 2009 through March 10, 2010 in each of the aforesaid billing categories are summarized as follows:

EXHIBIT	TITLE OF CATEGORY	AMOUNT SOUGHT
C-1	State Court Litigation	\$5,482.00
C-2	Bankruptcy	\$875
C-3	Fee Application	\$2,872.50
	TOTAL FEES	\$9,229.50
C-4	Expenses	\$268.84

19. There has been no duplication of services, either by partners or associates of A&L. When two or more attorneys participated in any activity, such participation was necessary as a result of either the complexity of the problems involved or the need to familiarize each attorney with the matters at issue so that each attorney could perform further necessary work.

20. The tasks performed and time expended by A&L in each of the listed categories and expenses incurred by A&L are set forth in the attached exhibits and are summarized as follows:

Exhibit C-1 – People of the State of IL, ex rel Donaldson v. MIDI. This category includes attendance at state court hearings, communications with opposing counsel regarding settlement, motions related to pending litigation, and other further services relating to the state court litigation. A&L spend 12.9 hours of attorney time (NPJ: 12.9 hours) on the foregoing services, as is more fully described in Exhibit “C-1”. Said serves have a value of \$5,482.00 for which A&L is seeking compensation.

EXHIBIT C-2 – Bankruptcy. This category includes attendance at court hearings, communications, motions related to removal and lift of automatic stay, and other and further services to administer the Chapter 11 case. A&L spent 2.5 hours of attorney time (MRS: 2.5 hours) on the foregoing services, as is more fully described in Exhibit “C-2”. Said services have a value of \$875 for which A&L is seeking compensation.

EXHIBIT C-3 – Fee Petitions. This category includes all work related to the preparation of the second interim fee application for A&L. A&L spent 11.20 hours of attorney and paralegal time (MRS: 2.50; BAC: .20 hours; JCF: 8.50 hours) on the foregoing services as more fully described in Exhibit “C-3”. Said services have a value of \$2,872.50, for which A&L is seeking compensation.

EXHIBIT C-4 – Expenses. Exhibit “C” lists expenses, such as copying costs at 10¢ per page, local courier/messenger delivery service, and overnight delivery charges. A&L has voluntarily reduced its copying charges from \$.20 per page to \$.10 per page, and has eliminated the cost of sending and receiving faxes (except for the long distance portion of outgoing faxes). A&L has made disbursement and seeks reimbursement of expenses in the amount of \$268.84.

21. A&L respectfully submits that the fees and expense reimbursement sought herein are reasonable given the nature, extent and value of the services rendered, the quality and skill which the situation required, and the costs of comparable services in other cases under Chapter 11, and that time has been fairly and properly expended.

22. In addition to the foregoing itemization of time, A&L estimates that it will expend approximately 3 to 6 additional hours of professional services relating to the preparation and presentment of this Application, for which it seeks an additional \$1,500 in payment.

23. The value of the professional services rendered to the Debtor covered by this Application is \$47,879.75 in fees.

24. Actual and necessary costs in the amount of \$751.75 have been expended by A&L since May 20, 2008, for which it seeks approval on a final basis. This amount includes the \$9,229.50 in fees and \$268.64 in expenses for time and expenses incurred since June 9, 2009 through March 10, 2010.

25. Notice has been provided to the U.S. Trustee, the Debtor and the Debtor's creditors. A&L currently holds sufficient funds in retainer to satisfy the amount sought under this Final Fee Application. In light of the circumstances, A&L requests that this grant the Application on shortened notice and waive the formal notice requirements of Rule 2002.

WHEREFORE, Barry A. Chatz, Miriam R. Stein, and the firm of Arnstein & Lehr LLP, respectfully request that the Court enter an Order pursuant to Section 330 of the Bankruptcy Code:

- (A) Allowing Arnstein & Lehr LLP final compensation in the amount of \$47,879.75 for actual and necessary professional services rendered and reimbursement in the amount of \$751.75 for actual and necessary costs and expenses incurred, plus an additional \$1,500 as compensation for the preparation and presentment of the Application ("Allowed Final Claim");
- (B) Allowing Arnstein & Lehr LLP to apply funds held in retainer to the Allowed Final Claim;
- (C) Finding notice as provided is sufficient under the circumstances; and
- (D) Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,
ARNSTEIN & LEHR LLP

By: /s/ Miriam R. Stein
One if its Attorneys

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